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## RECENT CASES.

ADMIRALTY—JOINDER OF PROCESS.—THE PLANET VENUS ET AL., 113 Fed. 387.—*Held* that process in rem and in personam may be permitted to issue upon the same libel in a proceeding brought to enforce a contract of affreightment.

Courts have been slow to recognize the utility of this rule. The court acknowledged that the practice in Pennsylvania had heretofore been otherwise in accordance with the decision of Judge McKenna in *The Alida* (C.C.), 12 Fed. 343, but held that the contrary practice was clearly adapted to avoid circuity of action. The first case to recognize the opposite practice was *The Zenobia*, Fed. Cas. No. 18,208. This decision has been followed in the later cases in many of the States. *The Director*, (D. C.), 26 Fed. 708, *The Keokuk*, 9 Wall 517.

The court restricts the rule to proceedings brought to enforce a contract of affreightment, adding that exceptional cases may arise to which the rule cannot be applied.

ATTORNEY'S FEE—WORTHLESS JUDGMENT—CONSTRUCTION OF CONTRACT.—*LESLIE v. YORK*, 31 So. W. 751 (Ky.).—In an action brought by attorneys against a client, under a contract where client agrees to pay his attorneys an amount equal to one-half what they may recover. *Held*, That they were entitled to an amount equal to one-half the amount the client actually recovered from the judgment and not one-half the judgment itself.

This decision rested entirely upon the construction to be given the word "recover" and in deciding the court acted entirely upon the principle that it would be unreasonable to expect in fees one-half the amount of a worthless judgment.

BANKRUPTCY—DISCHARGE—JUDGMENT FOR CRIMINAL CONVERSATION.—*COLWELL v. TINKER*, 7 Am. B. R. 334.—A judgment for criminal conversation with plaintiff's wife was secured against defendant who was subsequently discharged in bankruptcy. *Held*, motion to vacate judgment properly denied.

Under Section 17 of the Bankruptcy Act a bankrupt is released from all provable debts except judgments for "willful and malicious injuries to the person or property of another." Malice need not be actual as in *Burnham v. Pidcock*, 5 Am. B. R. 590, it may be implied. *In re Feeche*, 6 Am. B. R. 479. It is also held on principle that this was a personal injury to the husband; as well as a violation of his right of property. *Cregin v. Brooklyn, etc., Ry. Co.*, 83 N. Y. 595. *Contra*, *Mitchell v. Rochester Ry. Co.*, 151 N. Y. 107; *Bigaonette v. Paulet*, 134 Mass. 123.

BANKRUPTCY—INVOLUNTARY PETITION—SUBSEQUENT VOLUNTARY PETITION.—*IN RE DWYER*, 112 Fed. 777.—*Held*, where a bankrupt against whom an involuntary petition is pending files a voluntary petition, notice should be given to the creditors filing the former before action on the latter. Such action should then be taken with respect to the two petitions as is for the best interests of the estate.